

# Contract Appeals Board

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Description	FY 2003 Actual	FY 2004 Approved	FY 2005 Proposed	% Change from FY 2004
Operating Budget	\$567,839	\$756,055	\$764,144	1.1
FTEs	4.0	6.0	6.0	0.0

The mission of the Contract Appeals Board is to provide an impartial, expeditious, inexpensive, and knowledgeable forum for hearing and resolving contractual disputes between the District and contractors.

Established by D.C. Reorganization Order 29 in 1953 to serve as the agent of the District's executive in resolving disputes between contractors and the District, the board had its jurisdiction statutorily re-established and enhanced by the Procurement Practices Act of 1985 ("PPA"), which is now codified as amended at Title 2, Chapter 3, Unit A of the D.C. Code. Effective 1986, the PPA defined the board's jurisdiction to include review of protests of contract solicitations and awards, contracting officer final decisions on contractor claims, and debarment and suspension determinations. In 1997, the Procurement Reform Amendment Act augmented the scope of the PPA and the jurisdiction of the board to include hearing and resolving contract disputes for most independent District agencies. Agencies exempt from the PPA may enter into an agreement with the board to have the board resolve their contract disputes.

There are three mayorally appointed Administrative Judges, one of whom is designated as Chief Administrative Judge. Pursuant to the PPA, this quasi-judicial body has exclusive jurisdiction to hear and resolve: (1) protests of District contract solicitations and awards; (2)

appeals of contracting officer final decisions brought by contractors against the District; (3) claims by the District against contractors; (4) appeals by contractors of suspensions or debarments; and (5) appeals of interest payment claims under the Quick Payment Act.

The agency plans to fulfill its mission by achieving the following strategic result goals:

- Provide impartial, expeditious, and cost-effective review and resolution of contract disputes between the District and the contracting communities.
- Continue comprehensive electronic filing of case pleadings.
- Begin electronic archiving of closed cases.

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## Funding by Source

Tables AF0-1 and 2 show the sources of funding and FTEs by fund type for the Contract Appeals Board.

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Table AF0-1

### FY 2005 Proposed Operating Budget, by Revenue Type

(dollars in thousands)

Appropriated Fund	Actual FY 2002	Actual FY 2003	Approved FY 2004	Proposed FY 2005	Change from FY 2004	Percent Change
<b>General Fund</b>						
Local Fund	676	568	756	764	8	1.1
<b>Total for General Fund</b>	<b>676</b>	<b>568</b>	<b>756</b>	<b>764</b>	<b>8</b>	<b>1.1</b>
<b>Gross Funds</b>	<b>676</b>	<b>568</b>	<b>756</b>	<b>764</b>	<b>8</b>	<b>1.1</b>

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Table AF0-2

### FY 2005 Full-Time Equivalent Employment Levels

Appropriated Fund	Actual FY 2002	Actual FY 2003	Approved FY 2004	Proposed FY 2005	Change from FY 2004	Percent Change
<b>General Fund</b>						
Local Fund	5	4	6	6	0	0.0
<b>Total for General Fund</b>	<b>5</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>0.0</b>
<b>Total Proposed FTEs</b>	<b>5</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>0.0</b>

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## Expenditure by Comptroller Source Group

Table AF0-3 shows the FY 2005 proposed budget for the agency at the Comptroller Source Group level (Object Class level).

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Table AF0-3

### FY 2005 Proposed Operating Budget, by Comptroller Source Group

(dollars in thousands)

Appropriated Fund	Actual FY 2002	Actual FY 2003	Approved FY 2004	Proposed FY 2005	Change from FY 2004	Percent Change
11 Regular Pay - Cont Full Time	183	334	492	502	11	2.2
12 Regular Pay - Other	241	0	0	0	0	0.0
13 Additional Gross Pay	22	0	0	0	0	0.0
14 Fringe Benefits - Curr Personnel	58	41	78	78	0	0.2
<b>Subtotal Personal Services (PS)</b>	<b>504</b>	<b>374</b>	<b>570</b>	<b>581</b>	<b>11</b>	<b>1.9</b>
20 Supplies And Materials	5	7	6	6	0	0.0
31 Telephone, Telegraph, Telegram, Etc	5	4	5	6	1	19.9
32 Rentals - Land And Structures	134	144	147	152	5	3.2
34 Security Services	2	3	3	3	0	10.0
40 Other Services And Charges	18	9	11	11	0	0.0
70 Equipment & Equipment Rental	8	26	15	6	-9	-61.5
<b>Subtotal Nonpersonal Services (NPS)</b>	<b>172</b>	<b>193</b>	<b>186</b>	<b>184</b>	<b>-3</b>	<b>-1.5</b>
<b>Total Proposed Operating Budget</b>	<b>676</b>	<b>568</b>	<b>756</b>	<b>764</b>	<b>8</b>	<b>1.1</b>

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## Gross Funds

The proposed budget is \$764,144, representing an increase of 1.1 percent from the FY 2004 approved budget of \$756,055. There are six total FTEs for the agency, no change from the FY 2004 approved budget.

## General Funds

**Local Funds.** The proposed budget is \$764,144, representing a change of 1.1 percent from the FY 2004 budget of \$756,055. There are six FTEs for the agency, no change from the FY 2004 approved budget.

Changes from the FY 2004 approved budget are:

- An increase of \$6,072 in fixed costs, primarily for rent, based on OPM estimates.

- An increase of \$3,759 in equipment to offset funds redirected from equipment to personal services by the agency. The agency used these funds to cover the 2.5 percent nonunion pay raise.
- A decrease of \$1,742 in personal services to align salaries to grade and step requirements in the District Service nonunion salary schedule.

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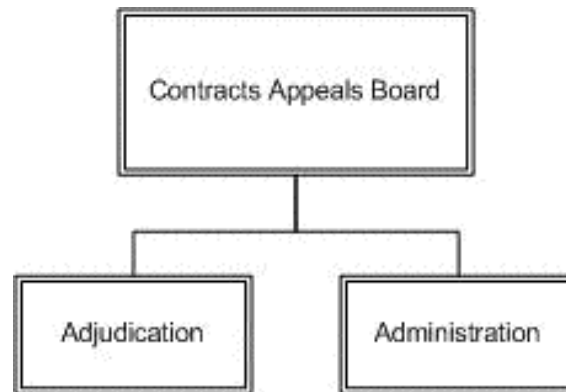
## Expenditure by Program

This fund is budgeted by program and the Contract Appeals Board has the following programs structure:

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Figure AF0-1

### Contract Appeals Board



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## Programs

The Contract Appeals Board has two programs:

**Adjudication** - involves the board hearing and resolving the following types of cases: (1) protests of District contract solicitations and awards; (2) appeals of contracting officer final decisions brought by contractors against the District; (3) claims by the District against contractors; (4) appeals by contractors of suspensions or debarments; and (5) appeals of interest payment claims under the Quick Payment Act. The Procurement Reform Amendment Act requires the board to decide protests within 60 business days of filing. For motions challenging a determination by the Chief Procurement Officer to proceed with contract performance while a protest is pending, the Act requires the board to issue a decision within 10 business days of the motion being filed.

**Administration** - handles the day-to-day office operations of the board which support its adjudication function. The support staff serves at the direction of the Chief Administrative Judge.

## Agency Goals and Performance Measures

### Goal 1: Address the questions and concerns of litigants in a timely and cost-effective manner

*Manager(s):* Jonathan Zischkau, Chief

Administrative Judge

*Supervisor(s):* Jonathan Zischkau, Chief

Administrative Judge

#### Measure 1.1: Percentage of protests resolved within 60 business days

	2002	2003	Fiscal Year 2004	2005	2006
Target	80	100	100	100	100
Actual	93	100	-	-	-

#### Measure 1.2: Percentage of appeals on the docket resolved

	2002	2003	Fiscal Year 2004	2005	2006
Target	25	25	25	25	25
Actual	28	27	-	-	-

#### Measure 1.3: Percentage of decisions submitted for publication

	2002	2003	Fiscal Year 2004	2005	2006
Target	100	100	100	100	100
Actual	100	100	-	-	-

**Measure 1.4: Percentage of new cases using electronic filing services**

		Fiscal Year			
	2002	2003	2004	2005	2006
Target	N/A	100	100	100	100
Actual	N/A	100	-	-	-

**Measure 1.5: Percentage of closed cases electronically archived**

		Fiscal Year			
	2002	2003	2004	2005	2006
Target	N/A	33	33	33	33
Actual	N/A	20	-	-	-

